

Asbestos Programs Branch Update

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More Frequently Asked Questions About Senate Bill 509



by **Elizabeth Grimsley,**
Acting Asbestos Enforcement Coordinator



On August 10, 2001, the Texas Department of Health (TDH) sent a list of Frequently Asked Questions to all Texas building permit officials. The Frequently Asked Questions addressed Senate Bill 509. Senate Bill 509 requires municipalities to verify that an asbestos survey has been conducted prior to issuing renovation or demolition permits for public or commercial buildings, and affects renovation and demolition permits for public or commercial buildings issued by municipalities on or after January 1, 2002.

On November 16, 2001, TDH sent out example language the cities may choose to include on the permit application to verify that an asbestos survey has been conducted.

On April 23, 2002 TDH sent the following additional Frequently Asked Questions concerning this law as it pertains to municipalities.

1. Does the whole building need an asbestos survey?

No, only the areas of the building where renovation or demolition will occur need to have an asbestos survey. However, if the entire building is going to be renovated or demolished, then an asbestos survey of the entire building is required.

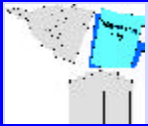
2. If a single residential structure is being demolished to build a residential development or commercial property, is a survey required under Senate Bill 509?

No. Senate Bill 509 only requires verification of an asbestos survey for commercial or public buildings. However, the federal asbestos law would require a survey. Therefore, it is recommended that the city advise their citizens that the survey is needed for compliance with federal law. If a single residential structure is demolished to building another single residential structure, neither the state nor federal asbestos laws require a survey.

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3. *If a residence was once a public or commercial building (i.e. gas station), would a survey be required under Senate Bill 509?*

No. Senate Bill 509 only requires verification of an asbestos survey for public or commercial buildings. However, the federal asbestos law requires a current survey if the former public/commercial building was converted to a residence after April 6, 1973 (the date the federal rules regulating such buildings came into effect). Therefore, it is recommended that the city advise their citizens that an asbestos survey would be needed for compliance with federal law.

4. *Do I need to verify a survey for a roofing project under Senate Bill 509?*

No. Senate Bill 509 only requires verification of an asbestos survey for the interior of commercial or public buildings. However, the federal asbestos law would require a survey for a roofing project. Therefore, it is recommended that the city advise their citizens that the survey is needed for compliance with federal law.

5. *Does Senate Bill 509 apply to renovation or demolition of apartment complexes or condominiums?*

Senate Bill 509 does apply to apartment complex of more than four dwelling units. Senate Bill 509 does not apply to condominiums.

6. *Why doesn't Senate Bill 509 apply to condominiums?*

Condominiums are a cluster of individual dwelling units, in which the individual units are owned separately, and the common areas are owned jointly. According to the definition of *public building*, private residences are excluded; therefore, the Texas Department of Health (TDH) clarifies that condominiums, which are a type of private residence are exempt from state law, regardless of the number of units.

However, the federal asbestos law does regulate condominiums of more than four dwelling units within a single building structure, or if two or more condominiums at a single site are being renovated or demolished by the same owner/operator.

Therefore, TDH recommends that the city advise their citizens that an asbestos survey of a condominium is required under federal law, if the above conditions are met.

7. *Can a Phase I Site Assessment (Phase I) or Environmental Site Assessment (ESA) be used for an asbestos survey?*

Phase Is and ESAs are types of general surveys that might or might not comply with the state and federal asbestos laws. If a city chooses to accept Phase I or ESAs for purposes of Senate Bill 509, the city should alert the applicant that unless

the Phase I or ESA has been done in compliance with state and federal laws governing asbestos surveys, the Texas Department of Health could cite the applicant for having an improper survey.

8. *Is the verification of an asbestos survey needed for a permit for new construction?*

No. The verification of an asbestos survey is only needed in existing buildings that have already been used as a public or commercial building.

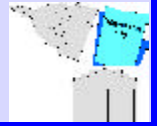
9. *Why don't we need to have a survey for building products that are being installed in new buildings?*

On September 1, 2001, House Bill 1927 went into effect. House Bill 1927 prohibits contractors from installing asbestos products unless there is no alternative building material. In addition, contractors are required to have Material Safety Data Sheets (MSDSs) for all building products. The MSDSs along with a signed statement from an architect, engineer, or TDH license inspector, serve the purpose of a survey by identifying the presence of asbestos in new construction.

10. *How old can a survey be to be in compliance with Senate Bill 509?*

An asbestos survey is acceptable to the Texas Department of Health (TDH) if the survey was completed

Senate Bill 509 FAQs continued...



in compliance with the state/federal asbestos regulations in effect at the time of the survey, **AND** the survey continues to accurately describe the building materials where the renovation/demolition will occur.

For example, if a survey was conducted in 1989 and the entire building was remodeled in 1992, then a new survey would be needed for the new building products installed in 1992, prior to renovation or demolition of the building.

11. Who can do these asbestos surveys?

In a public or commercial building, the following licensed entities can conduct asbestos surveys:

**Consultant Agencies
Management Planner
Agencies
Individual Consultants*
Individual Management
Planners***

* Please note that Individual Consultants and Individual Management Planners can conduct an asbestos survey in a **public building** if they obtain liability coverage in the amount of \$1 million for errors and omissions or they must be covered under the consultant's employer's policy as specified in 25 TAC 295.40. It is the building owner's responsibility to verify that the company/individual it hires has the correct insurance. The Texas

Department of Health does not verify liability insurance for surveys conducted on commercial buildings.

12. How can I get a list of companies/individuals who do surveys in my area?

The Texas Department of Health, Asbestos Programs Branch web site contains an updated list of companies and individuals throughout the state of Texas who are licensed to conduct asbestos surveys. The web site is located at:

www.tdh.state.tx.us/beh/asbestos

If a person is unable to access the website, please contact the Asbestos Programs Branch at 1-800-572-5548.

13. Can a city require more stringent enforcement of Senate Bill 509 (i.e., requiring both an asbestos survey and proof of abatement prior to issuing a permit)?

Senate Bill 509 only authorizes cities to verify that an asbestos survey has been conducted prior to issuing renovation or demolition permits for public or commercial buildings. If the city chooses to require a more stringent standard before issuing a permit, the Texas Department of Health recommends that the city consult with its legal counsel to determine if an ordinance is needed.

14. What is the Texas Department of Health's definition of "public building" and "commercial building"?

The Texas Department of Health defines a "public building" and "commercial building" in 25 TAC 295.32 as follows:

Public Building: The interior space of a building used or to be used for purposes that provide for public access or occupancy, including prisons and similar buildings. Interior space includes exterior hallways connecting buildings, porticos, and mechanical systems used to condition interior space. The term includes any building during a period of vacancy, including the period during preparations prior to actual demolition. The term does not include:

(A) an industrial facility to which access is limited principally to employees of the facility because of processes or functions that are hazardous to human safety or health;

(B) a federal building or installation (civilian or military);

(C) a private residence;

(D) an apartment building with no more than four dwelling units;

(E) a manufacturing facility or building that is limited to workers and invited guests under controlled conditions; or

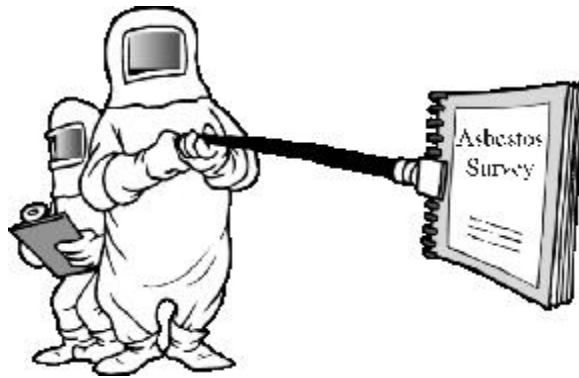
(F) a building, facility, or any portion of which has been determined to be structurally unsound and in danger of imminent collapse by a professional engineer, registered architect, or a city, county, or state government official.

Commercial Building: The interior space of any industrial or federal government-owned building. Interior space includes exterior hallways connecting buildings, porticos, and mechanical systems used to condition interior space.

For more information on Senate Bill 509
Check out our website...
www.tdh.state.tx.us/ehb/asbestos/bills.htm



Mold Contamination and Asbestos Surveys



**by Elizabeth Grimsley,
Acting Asbestos Enforcement Coordinator**

The State of Texas has experienced an increase in mold remediation in public and commercial buildings. The majority of evaluations of mold contamination involve the disturbance of building materials to locate the mold.

In accordance with the Texas Asbestos Health Protection Rules (TAHPR), Section 295.34(c), prior to any renovation or dismantling within a public or commercial building, including preparations for partial or complete demolition, a thorough asbestos inspection must be conducted.

The survey should be done prior to any disturbance of building materials. If asbestos is present, then the asbestos would need to be abated in accordance with either TAHPR or NESHAP, depending if the building is public or commercial.

Notifying the Regional/Local Office – Important!!

by Elizabeth Grimsley, Acting Asbestos Enforcement Coordinator

In accordance with 25 TAC 295.61(d), there are two major recipients of amended notifications, the Austin Headquarter and the Regional Office where the abatement/demolition is occurring. While the importance of Austin receiving a timely postmarked amended notification is clearly stated in 25 TAC 295.61(d)(2), what many do not realize is the importance of informing the Regional/Local office as stated in 25 TAC 295.61(d)(1).

How important is it? So important that **all** violations issued in the last

two years for failure to provide a timely amended notification are based upon attempted inspections when the Texas Department of Health inspector was not informed of the changed date of the project.

Is there a simple way to prevent a violation for failure to provide a timely amended notification? Yes, along with a timely postmark of the amendment to Austin, keep the Regional/Local office informed of **all** changes to start and stop dates of project. The best way to do this is by sending a facsimile of the amended notifi-

cation, and keeping your confirmation that the facsimile was received. It is also recommended that you telephone the Regional/Local offices to verbally inform the inspectors of the date changes.

This recommendation for keeping the Regional/Local offices informed is also true for phased projects and Operation and Maintenance (O&M) projects, which have multiple stop and start dates.

Update on TAHPR Rule Changes

The Asbestos Program Branch has completed the proposed changes to the Texas Asbestos Health Protection Rules (TAHPR). Using input received from the Asbestos Program in Austin, Regional and Local Public Health Programs, and informal comments received from licensees and recipients of the asbestos mailings, approximately 130 changes were proposed. The changes range from grammar (changing “asbestos containing” to “asbestos-containing”) to incorporation of the Asbestos Regulatory Clarifications and Legislative Bills 509, 1927, 1279, and 2844 into the rules.

At the time of this writing, these proposed rule changes are still in draft format and are not available to the public through open records. When the proposed rule changes have been reviewed internally by the Office of General Counsel and Budget Office, the proposed rule changes will be posted in the Texas Register, and public hearings will be held. The Asbestos Program Branch will keep you updated when the rules are posted and open for comment.

Asbestos Enforcement

The following entities have been issued an Agreed Order by the Texas Department of Health and have agreed to pay a penalty and/or conduct supplementary asbestos related activities to resolve these enforcement actions:

7-Eleven, Incorporated

Date: May 24, 2001

Location: 7-Eleven, 3354 Harwood, Bedford

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Amaregal, Incorporated

Date: March 21, 2001

Location: Burger King, 415 Amarillo Boulevard East, Amarillo

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

AMX Enterprises, Incorporated

Date: December 1, 1999

Location: Cistern and grain facility, Badger Street and North College Street, Gonzales

Citation: Failure to install critical barriers; Failure to properly install wall sheeting. [25 TAC 295.60(b); 25 TAC 295.60(d)]

Arlington, City of

Date: March 15, 2001

Location: Cooper Street Demolition Project No. 86-06B, 900 North Cooper Street, Arlington

Citation: Failure to remove regulated asbestos-containing material (RACM) prior to demolition or renovation. [25 TAC 295.34(b)(1) and 40 CFR Part 61, Subpart M, 61.145(c)(1)]

AST Environmental, Incorporated

Date: May 15, 2001

Location: Former Wooten Hotel, 1102 North Third Street, Abilene

Citation: Failure to sign specification created by outside party; Failure to include baseline air monitoring in the specifications. [25 TAC 295.47(i); 25 TAC 295.58(i)(1)(A)]

Baptist Hospitals of Southeast Texas

Date: May 10, 1999

Location: Main Building Wing 2-A, 3576 College Street, Beaumont

Citation: Failure to pay the required notification fee. [25 TAC 295.61(j)(4)]

Bhatka, Yogi and Nayna

Date: October 11, 2001

Location: Bayou Motel, 12860 East Freeway, Houston

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Breegle Building Products, Incorporated

Date: September 21 and October 15, 2001

Location: Trinity Lutheran Church, 3505 Kemp Boulevard, Wichita Falls

Citation: Failure to follow Resilient Floor Covering Institute (RFCI) guidelines. [25 TAC 295.36(a)(4)(5)]

Breegle Building Products, Incorporated

Date: October 15, 2001

Location: McGaha Elementary School, 1615 Midwestern Parkway, Wichita Falls

Citation: Failure to follow Resilient Floor Covering Institute (RFCI) guidelines. [25 TAC 295.36(a)(4)(5)]

Canadian Courts, Incorporated

Date: August 14, 2001

Location: Motel, North 2nd and Kingman, Canadian

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Caspian Enterprises, Incorporated

Date: October 20, 1998

Location: Former Night Club, 5601, 5605, 5611 Washington, Houston

Citation: Failure to provide an amended notification – stop date change. [25 TAC 295.61(f) and 40 CFR Part 61, Subpart M, 61.145(b)(2)]

Castillon, Daniel

Date: February 16, 1999

Location: Apartment Complex, 1326 Wyoming, El Paso

Citation: Failure to provide notification. [25 TAC 295.61(a) and 40 CFR Part 61, Subpart M, 61.145(b)(1)]

Chase, Jim

Date: August 16, 2001

Location: Corner of Mary Avenue and 5th Avenue, Waco

Citation: Failure to conduct a thorough asbestos inspection; Failure to provide notification of demolition. [40 CFR Part 61, Subpart M, 61.145(a); 40 CFR Part 61, Subpart M, 61.145(b)(1)]

Clean Environments, Incorporated

Date: November 26 and December 4, 2001

Location: Diamond Shamrock Store No. 2065, 704 East Saint Johns, Austin

Citation: Failure to provide a timely amended notification – later start date. [25 TAC 295.61(d) and 40 CFR Part 61, Subpart M, 61.145(b)(3)(iv)(A)]

Coryell County Museum Foundation

Date: October 17, 2001

Location: Coryell County Museum, 716 East Main, Gatesville

Citation: Failure to conduct a thorough asbestos inspection; Failure to provide notification of asbestos related activities. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a); 25 TAC 295.61(a) and 40 CFR Part 61, 61.145(b)(1)]

Courtney, Dennis J.

Date: February 6, 2001

Location: Wienerschnitzel Building, 4431 Bell Street, Amarillo

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Dallas Market Center

Date: May 11, 1998

Location: Dallas Trade Market, 2100 Stemmons Freeway, Suite 2022, Dallas

Citation: Failure to pay the required notification fee. [25 TAC 295.61(j)(4)]

Denny's Incorporated, DBA Denny's Restaurant, Incorporated

Date: September 27, 2001

Location: Denny's Restaurant, 1100 South 9th Street, Waco

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Door Ministries of Texas, Incorporated

Date: July 30, 2001

Location: The Door Christian Fellowship Church, 111 Imperial Boulevard, San Antonio

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c)]

Asbestos Enforcement

(Continued)

El Paso, City of

Date: January 10 and 12, 2001

Location: Tillman Health Center, 222 South Campbell Street, El Paso

Citation: Failure to properly remove asbestos-containing building materials (ACBM); Failure to provide notification of asbestos related activities. [25 TAC 295.34(a); 25 TAC 295.61(a)]

Felan and Associates

Date: April 16, 1999

Location: Danny Boy Motel, 3715 Roosevelt Avenue, San Antonio

Citation: Failure to provide an amended notification – start date change. [25 TAC 295.61(e) and 40 CFR Part 61, Subpart M, 61.145(b)(B)(1)]

First National Bank

Date: July 26, 2001

Location: First National Bank, 501 Texas Avenue, Mart

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Guilbeau, Gary W.

Date: July 6 and 12, 2001

Location: Goodyear Building, 315 South Main Street, Bryan

Citation: Performing asbestos related activities without a license. [25 TAC 295.35(a)]

Hearne, City of

1. Date: October 18, 2000

Location: Old Railroad Depot, 210 North Market Street, Hearne

Citation: Failure to conduct an asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

2. Date: February 16, 2001

Location: Former Funeral Home, 203 West Bradford, Hearne

Citation: Failure to provide notification of demolition. [25 TAC 295.61(a) and 40 CFR Part 61, Subpart M, 61.145(b)(1)]

Holley, Charles L.

Date: August 22, 2001

Location: Multiple Facilities, 1303 North Loop, Bellmead

Citation: Failure to conduct a thorough asbestos inspection; Failure to provide notification of demolition. [40 CFR Part 61, Subpart M, 61.145(a); 40 CFR Part 61, Subpart M, 61.145(b)(1)]

ICE Contractors, Incorporated

1. Date: March 19, 2001

Location: Navy Reserves – B1425, 1425 Carswell Road, Fort Worth

Citation: Failure to provide a timely amended notification – later start date. [40 CFR Part 61, Subpart M, 61.145(b)(3)(iv)(A)]

2. Date: March 19, 2001

Location: Navy Reserves – B1565, 1565 Dolittle, Fort Worth

Citation: Failure to provide a timely amended notification – later start date. [40 CFR Part 61, Subpart M, 61.145(b)(3)(iv)(A)]

Isaacs, Jimmy

Date: August 13, 2001

Location: Former AMPI Building, 709 North Dickerson, Rusk

Citation: Failure to conduct a thorough asbestos inspection; Failure to provide a timely notification of demolition. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a); 25 TAC 295.61(a) and 40 CFR Part 61, Subpart M, 61.145(b)(1)]

J&J Insulation and Acoustics, Incorporated

Date: June 28, 2001

Location: Wynn Seale Academy of Fine Arts, 1707 Yyers, Corpus Christi

Citation: Failure to prevent public entry to potentially contaminated areas; Failure to have a licensed supervisor on the job site. [25 TAC 295.60(a)(4); 25 TAC 295.58(b)(2)]

Jenkins Environmental Consulting, Limited-liability Corporation

Date: June 11 and 12, 2001

Location: Timmerman Elementary School, 700 West Pecan, Pflugerville

Citation: Failure to perform a proper visual inspection. [25 TAC 295.58(i)(3)(B)]

Jupe Company, Incorporated

Date: January 10, 2001

Location: Padres Staples Mall, 5488 South Padre Island, Corpus Christi

Citation: Failure to use a decontamination system; Failure to adequately wet regulated asbestos-containing material (RACM); Failure to properly contain regulated asbestos-containing material (RACM); Failure to supervise compliance with the use of personal protection equipment. [25 TAC 295.60(e); 25 TAC 295.60(j)(1) and 40 CFR Part 61, Subpart M, 61.145(c)(3), (c)(6)(i); 25 TAC 295.60(j)(3) and 40 CFR Part 61, Subpart M, 61.150(a)(1)(iii); 25 TAC 295.45(f)(5)]

KMAC Construction Services, Incorporated

Date: March 22, 2001

Location: Albertson's 4013, 8300 Pat Booker Road, San Antonio

Citation: Failure to provide a timely notification – start date change. [25 TAC 295.61(e) and 40 CFR Part 61, Subpart M, 61.145(b)(3)(iv)(B)(1)]

La Quinta Inns, Incorporated

Date: April 18, 1998

Location: Texas Grill Café, 4130 West Wall Street, Midland

Citation: Failure to provide notification of demolition activities. [40 CFR Part 61, Subpart M, 61.145(b)(1)]

Lawrence Park Development Company

Date: February 9, 2000

Location: Woodcrest Management Company, 2511 Paramount, Suite C4, Amarillo

Citation: Failure to properly remove asbestos containing building material (ACBM); Failure to provide notification of asbestos related activities. [25 TAC 295.34(a); 25 TAC 295.61(a)]

Malooly, Raymond

Date: April 25, 2001

Location: Lakeside Shopping Center, 7028 Alameda, El Paso

Asbestos Enforcement

(Continued)

Citation: Failure to properly remove asbestos-containing building material (ACBM); Failure to provide notification of asbestos related activities; Failure to adequately wet regulated asbestos-containing material (RACM); Failure to properly contain regulated asbestos-containing material (RACM). [25 TAC 295.34(a); 25 TAC 295.61(a) and 40 CFR Part 61, Subpart M, 61.145(b)(1); 25 TAC 295.60(j)(1) and 40 CFR Part 61, Subpart M, 61.145(c)(3), (c)(6)(i); 25 TAC 295.60(j)(3) and 40 CFR Part 61, Subpart M, 61.150(a)(1)(iii)]

Mays, Troy M. et. al.

Date: May 2, 2001

Location: Wolfin Square Strip Mall, 2608 Wolfin Avenue, Amarillo

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Mercedes ISD

Date: June 29, 2001

Location: West Elementary School, 436 South Vermont, Mercedes

Citation: Failure to properly remove asbestos-containing building material (ACBM); Failure to provide notification of asbestos related activities; Failure to inform workers of the presence of asbestos-containing material (ACM); Failure to contract with or employ a licensed asbestos professional. [25 TAC 295.34(a); 25 TAC 295.61(a); 25 TAC 295.34(b)(2); 25 TAC 295.34(e)]

North East Independent School District

Date: April 11, 2001

Location: Nimitz Academy, 5426 Blanco Road, San Antonio

Citation: Failure to properly remove asbestos-containing material (ACBM). [25 TAC 295.34(a)]

Northside ISD

Date: June 25, 2001

Location: Pease Middle School, 201 Hunt Lane, San Antonio

Citation: Failure to provide a timely amended notification – later start date. [25 TAC 295.61(d) and 40 CFR Part 61, Subpart M, 61.145(b)(3)(iv)(A)]

Patel, Raman

Date: October 27, 1998

Location: Rodeway Inn, 3912 IH 35 South, Waco

Citation: Failure to provide notification of asbestos related activities. [25 TAC 295.61(a) and 40 CFR Part 61, Subpart M, 61.145(b)(1)]

Patriot Homes

Date: April 6, 2001

Location: State Wide Mobile Homes, 2305 Austin Highway, San Antonio

Citation: Failure to conduct a thorough asbestos inspection; Failure to provide notification of demolition. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a); 25 TAC 295.61(a) and 40 CFR Part 61, Subpart M, 61.145(b)(1)]

Peterson, Burl R.

Date: January 31 and February 5, 2001

Location: E.L. Hunter Learning Center, 2806 Tee Anchor, Amarillo

Citation: Failure to provide professional services to building owner. [25 TAC 295.47(h)(2) and 25 TAC 295.58(h)]

Polanco, Leonard

Date: June 5, 2001

Location: La Rosita Tortilla, 3106 Commercial, San Antonio

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Rahim Enterprises, Incorporated

Date: October 11, 2001

Location: Former Desert Sands Hotel, 611 I-35 East, Denton

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Rogers, Chad M.

Date: June 8, 2001

Location: Old grocery store, 5119 Plains Boulevard, Amarillo

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Salado ISD

Date: July 30, 2001

Location: Thomas Arnold Elementary, 520 Thomas Arnold Road, Salado

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

St. Anthony Catholic School

Date: September 1, 2000

Location: Monte Vista Apartments, 1923 Howard Street, San Antonio

Citation: Failure to conduct a thorough asbestos inspection; Failure to provide notification of asbestos related activities. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a); 25 TAC 295.61(a) and 40 CFR Part 61, 61.145(b)(1)]

Smith, Richard A. and Norma M.

Date: October 12, 2001

Location: Commercial Property, 308 East 27th Street, Bryan

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Sinclair Communication

Date: January 23, 2001

Location: Sinclair Communications, 2623 Paramount Boulevard, Amarillo

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Southwest Constructor Services, Incorporated

Date: July 11, 2001

Location: Saginaw Elementary School, 301 west McLeroy Boulevard, Fort Worth

Citation: Failure to provide an amended notification – stop date change. [25 TAC 295.61(f) and 40 CFR Part 61, Subpart M, 61.145(b)(2)]

TAHF Funding Corporation

Date: November 21, 2001

Location: Warwick Apartments, 2400 Arrowhead Drive, Abilene

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Texas Department of Criminal Justice

Date: February 2, 2001

Location: Texas Department of Criminal Justice, Skyview Unit, Highway 69 North at FM 2972, Rusk

Asbestos Enforcement (Continued)

Citation: Failure to remove regulated asbestos-containing material (RACM) prior to demolition or renovation; Failure to provide a timely notification of asbestos related activities; Failure to properly contain asbestos-containing building materials (ACBM). [25 TAC 295.34(b)(1); 25 TAC 295.61(a); 25 TAC 295.60(j)(1)(3)]

Texas State Technical College

Date: January 2, 2001

Location: Province Graphics Building, 3801 Campus Drive, Waco

Citation: Failure to provide notification of asbestos related activities. [25 TAC 295.61(a)]

UAS Automation Systems, Incorporated

Date: July 24, 2001

Location: Old Freeport Intermediate School, 311 4th Street, Freeport

Citation: Failure to follow resilient floor covering institute (RFCI) guidelines. [25 TAC 295.36(a)(4)(5)]

Universal Health Services, Incorporated

Date: March 8, 2001

Location: Northwest Texas Hospital, 1501 South Coulter, Amarillo

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Vanco Insulation Abatement, Incorporated

Date: March 20, 2001

Location: New Braunfels High School, 2551 Loop 337, New Braunfels

Citation: Failure to provide an amended notification – stop date change. [25 TAC 295.61(f) and 40 CFR Part 61, Subpart M, 61.145(b)(2)]

Youth and Youth Adult Activity dba Lockhart Community Recreation Center

Date: April 6, 10, 17, and 18, 2001

Location: Former Meat Packing Plant, 118 North Laurel Street, Luling

Citation: Failure to provide notification of demolition. [25 TAC 295.61(a) and 40 CFR Part 61, Subpart M, 61.145(b)(1)]

The following entities have been issued a Default Order by the Texas Department of Health:

Chi Lin Corporation

Date: February 6, 2001

Location: Old Golden China Chinese Restaurant, 2819 West Adams Avenue, Temple

Citation: Failure to properly remove asbestos-containing building materials (ACBM); Failure to provide notification of asbestos related activities; Failure to contract with or employ a licensed asbestos professional. [25 TAC 295.34(a); 25 TAC 295.61(a); 295.34(e)]

Dynamic Contractors, Limited-Liability Corporation

Date: June 8, 2000

Location: R-L Carriers, 4202 Highway 90 East, San Antonio

Citation: Failure to adequately wet regulated asbestos-containing building material (ACBM); Failure to properly contain regulated asbestos-containing building material (ACBM). [25 TAC 295.60(j)(1); 25 TAC 295.60(j)(3)]

Hakeem Da Wah Islamic Center, Incorporated

Date: November 17, 2000

Location: Old Franklin Bank Building, 900 Franklin at Main Street, Houston

Citation: Failure to properly remove asbestos-containing building materials. [25 TAC 295.34(a)]

Jam-Ral Industries, Incorporated

Date: January 2, 2001

Location: Planeta MX, 3830 Parkdale, San Antonio

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Marquez, Nicolas G.

Date: October 1, 2001

Location: Mary's Restaurant, 601 South Treadaway Boulevard, Abilene

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Mercado J., Limited

Date: November 18, 1999

Location: Commercial building, 1121 East 7th Street, Austin

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Perez, Margarita A.

Date: March 12, 2001

Location: Grand China Buffet, 9505 Viscount Boulevard, Space B, El Paso

Citation: Failure to conduct a thought asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

United Lynn-Con Corporation

Date: March 16, 2000

Location: Fairmont Firestone Store No. 8990, 4006 Fairmont Parkway, Pasadena

Citation: Failure to provide an amended notification – start/stop date change. [25 TAC 295.61(f) and 40 CFR Part 61, Subpart M, 61.145(b)(2)]

Wal-Mart Stores, Incorporated

Date: March 26, 2001

Location: Wal-Mart, 1616 West Henderson, Cleburne

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

The Newsletter
is also available
on the web at:
[www.tdh.state.tx.us/
beh/asbestos](http://www.tdh.state.tx.us/beh/asbestos)



What's new in Outreach?

by Jennifer Delk, Public Information Officer

Website

- The **home page** was changed recently so that users with older web browsers could use the menu on the left side <http://www.tdh.state.tx.us/beh/asbestos>
- More **Senate Bill 509** information was added in the *“Laws, Acts and Rules” Section*
 - Sections on “Who can conduct an asbestos survey in a public building?” and “Who can remove asbestos from a public building?” have been added to the *“Licensing and Registration” Section* to keep up with requests for lists of licensees. The list will be updated every two weeks.
- The new **demolition/renovation flow charts** that were passed out at the Notification Training Seminar in January are now available on-line in the *“Notification and Information” Section*
- Links to the **RFCI** and **MSDS** websites were added in response to House Bill 1279 and House Bill 1927 questions in the *“Laws, Acts and Rules” Section*.

“Asbestos Program Info” Section

- Contact Information
- Open Records Requests
- Addresses for the Regional Offices
- FAQs on Asbestos

“Compliance and Enforcement” Section

- Orders issued by the Enforcement Section

“Licensing and Registration” Section

- Licensing Applications
- Exam Schedules and Registration Forms
- Lists of Training providers
- Listings of people who can conduct asbestos surveys.
- Listings of Abatement Contractors

“Notification and Information” Section

- The Asbestos Programs Branch Bulletin
- 10 day Demolition/Renovation Forms and guide

“Laws, Acts and Rules” Section

- The Texas Asbestos Health Protection Rules
- The Asbestos Regulatory Clarifications
- National Emissions Standards for Hazardous Air Pollutants (NESHAP)
- Copies of the Texas Legislative Bills passed regarding asbestos

“Booklets and Forms” Section

- Homeowner's Guide
- Health Effects
- RFCI



Outreach Materials

(available on request)

- Texas Asbestos Health Protection Rules (TAHPR)
- Asbestos Regulatory Clarifications (ARCs) #1-20
- Brochures
 - o Health effects
 - o Coffins
 - o Construction Delays (English and Spanish)
 - o Children's Health
- Posters
 - o Work site notices
 - o Attention Posters
 - o Coffin Posters
 - o Happy Lung Posters
- Videos



Tradeshows

- Texas Public Health Association Annual Conference, March 2002
- TNRCC Environmental Trade Fair, May 2002

Presentations

- Asbestos Notification Training Seminar, January 2002
- Construction Specification Institute Monthly Meeting, March 2002
- Graeber, Simmons and Cowan Continuing Education Program, April 2002

For more information contact the Public Information Officer
(512) 834-6610 or 1-800-572-5548 (toll free in Texas)

In Memory of Bill Burleson



On March 2, 2002, Billy "Bill" M. Burleson, Public Health Region 2/3 Asbestos Inspector, passed away in Abilene, Texas. Bill was an asbestos inspector for the Texas Department of Health in the Abilene area for two years, and friends and co-workers alike will miss his wealth of knowledge, integrity and professionalism.

The Asbestos Program, during the Toxic Substances Control Division Regional Administrative meeting in September 2001, recognized Bill for his outstanding outreach activities. Bill was recognized for two items that occurred in April 2000 and March 2001.

After the April 2000 tornado destroyed the Arlington Region 2/3 office, Bill single handedly kept the Region 2/3 Asbestos Program operating through the Abilene office. In March 2001, Bill also provided last minute, and much needed assistance with the West Central Texas County of Governments.

The combination of Bill operating the Region 2/3 office during the natural disaster, and assisting the Austin office for the March 2001 outreach resulted in Bill receiving the prestigious Certificate of Outreach.

The Toxic Substances Control Division was fortunate to have worked with such an exceptional individual as Bill Burleson, and his loss will be felt far beyond his work with the Asbestos Program.

Elizabeth Grimsley, Acting Asbestos Enforcement Coordinator

**Texas Department of Health
Asbestos Programs Branch
1100 W. 49th Street
Austin, Texas 78756**

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